

BOISE, WEDNESDAY, FEBRUARY 15, 2012 AT 8:50 A.M.

IN THE SUPREME COURT OF THE STATE OF IDAHO

ROBERT NICHOLAS ARAMBARRI,)	
)	
Plaintiff-Appellant,)	Docket No. 38351
)	
v.)	
)	
RICHARD ARMSTRONG, Director of)	
IDAHO DEPARTMENT OF HEALTH)	
AND WELFARE,)	
)	
Defendant-Respondent.)	

Appeal from the District Court of the Sixth Judicial District, State of Idaho,
Bannock County. Hon. Peter D. McDermott, District Judge.

Douglas J. Balfour, Chtd., Pocatello, for appellant.

Hon. Lawrence G. Wasden, Idaho Attorney General, Boise, for respondent.

Robert Arambarri ("Arambarri") was a Regional Director with the Idaho Department of Health and Welfare ("the Department"). In his capacity as Regional Director, he was a non-classified, at-will employee serving at the pleasure of the Director of the Department ("the Director"). Due to budget reductions, Arambarri's position as Regional Director of Region VI was one of the four positions abolished by the Director. Arambarri contends that the Director did not have the statutory authority to abolish his position and the positions of the three other regional directors. He further contends that the Board did not properly concur by a formal vote in the consolidation of the Regional Director positions pursuant to I.C. § 56-1002.

BOISE, WEDNESDAY, FEBRUARY 15, 2012 AT 10:00 A.M.

IN THE SUPREME COURT OF THE STATE OF IDAHO

BROOKE A. STARK,)	
)	
Claimant-Respondent.)	
)	
v.)	
)	
ASSISTED LIVING CONCEPTS,)	Docket No. 38715-2011
)	
Respondent-Appellant,)	
)	
and)	
)	
IDAHO DEPARTMENT OF LABOR,)	
)	
Respondent-Respondent on Appeal.)	
_____)	

Appeal from the Industrial Commission of the State of Idaho.

Moffatt, Thomas, Barrett, Rock & Fields, Chtd, Boise, for Appellant.

Hon. Lawrence G. Wasden, Attorney General, Boise, for Respondent.

This is an appeal of an order of the Industrial Commission awarding Claimant, Brooke Stark, unemployment benefits.

Ms. Stark was employed by Appellant, Assisted Living Concepts, as the Residence Director of Sylvan House. Ms. Stark heard a rumor that another one of ALC's facilities, Teton House, was closing. In a phone conversation with her supervisor, Matt Cable, Ms. Stark asked whether the rumor was true. Mr. Cable told her it was not.

Mr. Cable phoned his supervisor, Craig Boyes, to report the rumor he learned from Ms. Stark. Mr. Boyes called Ms. Stark and asked her to reveal who told her Teton House was closing because he felt a rumor of a facility closure could have negative effects on other employees and residents. She refused to disclose her source, stating she had been told in confidence.

Mr. Boyes was so concerned about the rumor, he contacted the President and CEO of ALC, Lori Bebo. Ms. Bebo immediately called Ms. Stark, stressing how important it was to get to the source of the rumor. She gave Ms. Stark one last chance to reveal the source or be suspended. Ms. Stark refused and was suspended. Shortly

thereafter, Ms. Stark's suspension was converted to a termination when ALC's director of human resources concluded she had committed a class III infraction, insubordination, according to the ALC employee handbook.

Ms. Stark filed a claim for unemployment benefits with the Department of Labor. On January 19, 2011, the Appeals Examiner filed his decision finding that Ms. Stark was discharged for employment-related misconduct and was not entitled to benefits. Ms. Stark appealed that decision to the Industrial Commission. The Commission reversed the decision of the Appeals Examiner, finding that she was not discharged for misconduct and, alternatively, her behavior fell into the "good faith" exception and, thus, was entitled to benefits. ALC has appealed that decision to the Supreme Court.

BOISE, WEDNESDAY, FEBRUARY 15, 2012 AT 11:10 A.M.

IN THE SUPREME COURT OF THE STATE OF IDAHO

MATHEW R. BENNETT and BENJAMIN L.)

WALTON,)

Plaintiffs-Appellants,)

v.)

Docket No. 38138

NANCY PATRICK,)

Defendant-Respondent.)

Appeal from the District Court of the Sixth Judicial District, State of Idaho,
Bannock County. Hon. David C. Nye, District Judge.

Johnson Olson Chtd., Pocatello, for appellants.

Merrill & Merrill, Chtd., Pocatello, for respondent.

This is an attorney fee case. After prevailing at trial, plaintiffs Mathew Bennett and Benjamin Walton sought fees under I.C. § 12-120(4), which provides for fees in personal injury actions with claims under \$25,000. The district court declined to award fees, holding that the plaintiffs waived any entitlement to fees because their complaint failed to conform to I.C. § 12-120(4) and because they offered evidence of a significant new item of damage not included in their original claim. Bennett and Walton appealed.